

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

LINWOOD GRAY,

Plaintiff,

v.

Case No: 5:21-cv-285-PGB-PRL

DON HENDERSON and JANE DOE,

Defendants.

ORDER

Plaintiff, who is proceeding *pro se*, initiated this action on May 24, 2021 and sought leave to proceed *in forma pauperis*. (Docs. 1, 2). The Court took Plaintiff's motion to proceed *in forma pauperis* under advisement and gave him additional time to either submit a complete financial affidavit or pay the filing fee. (Doc. 5). Instead, Plaintiff now seeks leave to voluntarily withdraw his civil suit. (Doc. 8).

Rule 41(a)(1), Federal Rules of Civil Procedure, "grants a plaintiff an unconditional right to dismiss his complaint by notice and without an order of the court at any time prior to the defendant's service of an answer or a motion for summary judgment." *Matthews v. Gaither*, 902 F.2d 877, 880 (11th Cir. 1990). Such a dismissal is effective immediately upon the filing of a written notice of dismissal, with no subsequent order required. *Id.* The fact that Plaintiff's notice of dismissal is styled as a "motion to withdraw of civil suit," rather than "notice of dismissal" is without consequence. *Id.*

Accordingly, Plaintiff's complaint (Doc. 1) is dismissed. The Clerk shall terminate all pending motions and close the file.

DONE and **ORDERED** in Ocala, Florida on June 18, 2021.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties